

PIKE INDUSTRIES, INC.)	DEPARTMENTAL
ANDROSCOGGIN COUNTY)	FINDINGS OF FACT AND ORDER
LEWISTON, MAINE)	AIR EMISSION LICENSE
A-183-71-M-R/M (SM))	

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Pike Industries, Inc. P(900) (Pike) located in Lewiston, Maine has applied to renew their Air Emission License, permitting the operation of their hot mix asphalt plant and their crushed stone and gravel facility. Pike is also seeking a minor revision to change its facility-wide fuel limits of #2 fuel oil and diesel.

B. Emission Equipment

Asphalt Plant (P900):

Equipment	Process Rate (tons/hour)	Design Capacity Firing Rate	Control Devices	Stack ID	Date of Manufacture
Rotary Kiln	240	68.8 MMBtu/hr, 66,345 cf/hr nat gas 491 gal/hr, #2 fuel and/or spec. waste oil	baghouse	EP-1	1988

Rock Crushers:

Designation	Powered	Process Rate (tons/hour)	Control Device
Primary	diesel	250	Spray Nozzles
Secondary	diesel	250	Spray Nozzles
Tertiary-1	diesel	150	Spray Nozzles
Tertiary-2	diesel	150	Spray Nozzles

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Diesel Unit:

Source ID	Max. Capacity	Max. Firing Rate	Power Output
Gen. Set 615G-1	4.94 MMBtu/hr	35.3 gal/hr	676 kW

Pike also operates a hot oil heater rated at 2.2 MMBtu/hr based on a maximum firing rate of 16 gallons per hour. The heater can fire #2 fuel oil, waste oil, and/or natural gas.

C. Application Classification

The application for Pike does not include the licensing of increased emissions or the installation of new or modified equipment, therefore the license is considered to be a renewal of current licensed emissions units only per Major and Minor Source Air Emission License Regulations, 06-096 CMR 115 (last amended December 24, 2005). A minor revision to reduce the facility-wide fuel limits for both the #2 fuel oil and diesel fuel is also included. With the restrictions on the asphalt batch plant, rock crushing units, and fuel limit on the generator, the facility is licensed below the major source thresholds and is considered a synthetic minor.

II. BEST PRACTICAL TREATMENT

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Definitions Regulation, 06-096 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

A. Asphalt Plant

The batch mix asphalt plant was manufactured in 1988 and is therefore subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt

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Facilities manufactured after June 11, 1973. A successful particulate emissions test was conducted May 1989, with a result of 0.006 grains per dry standard cubic foot.

The batch mix asphalt plant fires #2 fuel oil and specification waste oil, with a sulfur content not to exceed 0.5%. The fuel oil will meet the criteria in ASTM D396 for #2 oil. Fuel use shall not exceed 320,000 gallons per year, reduced from the previous licensed limit of 500,000 gallons per year, on a calendar year basis. Natural gas fuel use is limited to 100,000,000 ft³/year on a calendar year basis.

Regulated pollutants emitted from the rotary kiln are particulate matter (PM), particulate matter with a diameter smaller than ten microns (PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC). To meet the requirements of Best Practical Treatment (BPT) and NSPS for the control of particulate matter (PM) emissions, the batch mix asphalt plant shall vent to a baghouse. Opacity from the asphalt batch plant baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

Based on the above hot mix batch asphalt plant process rate, the maximum emission rate from the asphalt baghouse shall be limited to 0.03 grs/dscf.

The performance of the baghouse shall be constantly monitored by either one of the following at all times the batch / drum mix asphalt plant is operating:

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit

may be exceeded with written authorization from the Department. The plant owner or operator shall notify the commissioner at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

Pike may process up to 5,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Virgin oil processing shall be done at a mixture of no greater than 30% contaminated soil to 70% clean aggregate mix. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 CMR 409 (last amended June 16, 2006). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Virgin Oil Definition:

Virgin oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.

Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

B. Rock Crushers

Pike was licensed to operate rock crushing equipment at their Lewiston site. The rock crushing equipment previously licensed was a primary, secondary, and tertiary rock crushers which was manufactured after 1983 and therefore subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants. This equipment no longer operates as a single unit and has been “parted” out to other Pike locations. Through this license, Pike retains the ability to operate rock crushing equipment at

this site and will subsequently meet all state and federal air emission requirements including Subpart OOO after installation. Pike will notify the Department when or if this equipment is ever installed.

The regulated pollutant from the rock crushers is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate matter (PM) emissions from the rock crushers, Pike shall maintain water sprays on the rock crushers and operate as needed to control visible emissions. Visible emissions from the rock crushers shall be limited to no greater than 10% opacity on a six (6) minute block average basis.

C. Diesel Unit

Gen. Set 615-G-1 is used primarily to power the primary, secondary, and tertiary rock crushers.

A summary of the BPT analysis for the generator is the following:

1. The total fuel use for the generator shall not exceed 20,000 gallons per year of diesel fuel (calendar year basis) with a maximum sulfur content not to exceed 0.05% by weight. The diesel fuel use limit in the previous air emissions license, A-183-71-K-R, was set at 81,190 gallon per year.
2. Low Sulfur Fuel, 06-096 CMR 106 (last amended July 4, 1999) regulates fuel sulfur content, however in this case a BPT analysis for SO₂ determined a more stringent limit of 0.05% was appropriate and shall be used.
3. Fuel Burning Equipment Particulate Emission Standard, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
4. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
5. Visible emissions from the generator shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

D. Hot oil heater

The hot oil heater is used to keep the asphalt from congealing. The heater has a maximum design capacity rated at 2.2 MMBtu/hr based on the maximum fuel input of 16 gallons per hour. The heater can fire #2 fuel oil, waste oil, and/or natural gas. The #2 fuel oil shall meet the criteria specified in ASTM D396. The fuel oil used in this unit is part of the total facility-wide fuel limit of 320,000 gallons per year. To estimate emissions for fee purposes, the maximum amount

E. Stock Piles and Roadways

F. General Process Emissions

G. Facility Emissions and Fuel Use Caps

Total Licensed Annual Emissions for the Facility
(used to calculate the annual license fee)

<u>Equipment</u>	<u>PM</u>	<u>PM₁₀</u>	<u>SO₂</u>	<u>NO_x</u>	<u>CO</u>	<u>VOC</u>
Asphalt Batch Plant (P900)	2.3	2.3	11.3	9.4	31.3	1.2
Diesel Engine	0.2	0.2	0.1	6.1	1.3	0.5
Hot oil heater	1.2	1.2	4.9	3.9	0.4	0.1
TOTALS	3.7	3.7	16.3	19.4	33.0	1.8

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

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Pollutant	TPY
PM	25
PM10	25
SO2	50
NOx	100
CO	250

Based on the above total facility emissions, Pike is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-183-71-M-R/M subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions.
[06-096 CMR 115]

- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. § 353. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been

necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, Pike shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [06-096 CMR 115]

- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- [06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

- (16) **Batch Mix Asphalt Plant**
- A. Emissions from the hot mix asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]
- B. The performance of the baghouse shall be constantly monitored by either one of the following at all times the batch mix asphalt plant is operating [06-096 CMR 115, BPT]:
1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
 2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.
- C. To document maintenance of the baghouse, the license shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BPT]

- D. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- E. General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]
- F. Fuel use records and receipts for the asphalt batch mix asphalt plant shall be maintained for at least six years and made available to the Department upon request. A log shall also be maintained recording the quantity and analyzed test results of all specification waste oil in the dryer. [06-096 CMR 115, BPT]
- G. Pike shall be limited to the use of 320,000 gallons per calendar year of #2 fuel oil and specification waste oil in the batch mix asphalt plant. The fuel oil will meet the criteria of ASTM D396 for #2 oil. Also, Pike shall be limited to 100,000,000 ft³ per calendar year of natural gas. Emissions from the baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	7.1
PM ₁₀	-	7.1
SO ₂	-	34.6
NO _x	-	28.8
CO	-	96.0
VOC	-	3.6

- H. Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the commissioner at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. [38 MSRA §608-A, and 06-096 CMR 115, BPT]
- I. Pike may process up to 5,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Virgin oil processing shall be done at a mixture of no greater than 30% contaminated soil to 70% clean aggregate mix. Processing of virgin oil contaminated soils may require a solid waste processing facility license under MEDEP Chapter 409. The material shall be

handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]

- J. Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]
 - K. When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]
 - L. Pike shall notify the Bureau of Air Quality regional inspector at least 7 days prior to processing soil contaminated with anything other than #2 fuel oil or gasoline. [06-096 CMR 115, BPT]
- (17) **Rock Crushers**
- A. Pike shall install and maintain spray nozzles for particulate control on all rock crushing units and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [06-096 CMR 115 (BPT) and 06-096 CMR 101]
 - B. Pike shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]
 - C. Pike shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the primary, secondary and tertiary rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

(18) **Diesel Unit**

- A. Pike Industries, Inc. shall obtain a delivery ticket from each fuel supplier for each shipment of fuel oil received which indicates the name, address, and telephone number of the fuel oil supplier and which verifies that the diesel fuel being delivered contains no more than 0.05% sulfur by weight. Pike Industries shall retain these records for at least six years and make them available to the Department upon request. [06-096 CMR 115, BPT]
- B. Pike Industries, Inc. shall not exceed the total use of 20,000 gal/year of diesel fuel (calendar year basis). Emissions from diesel unit shall be limited to the following:

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Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #1	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

Pollutant	lb/hr
PM	0.6
PM ₁₀	0.6
SO ₂	0.3
NO _x	21.8
CO	4.7
VOC	1.7

- C. Visible emissions shall not exceed an opacity of 30% on a six-minute block average, except for no more than 2 six-minute block averages in a 3-hour period. [06-096 CMR 101]

(19) Hot Oil Heater

- A. Pike shall fire fuel oil that meets the criteria of ASTM D396 for #2 fuel oil in the oil heater. [06-096 CMR 115, BPT]
- B. Emissions from oil heating unit shall be limited to the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Oil Heater	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

Pollutant	lb/hr
PM	0.3
PM ₁₀	0.3
SO ₂	1.1
NO _x	0.9
CO	0.1
VOC	0.1

- C. Visible emissions from the heater shall not exceed 20% opacity on a 6-minute block average. [06-096 CMR 101]

(20) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(21) **General Process Sources**

Visible emissions from any general process source shall (including conveyor belts) not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101 and 06-096 CMR 115, BPT]

(22) **Equipment Relocation** [06-096 CMR 115, BPT]

- A. Pike shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

(23) Pike shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]

(24) The Hot Mix Asphalt Plant is subject to 40 CFR Part 60 Subparts A, and I and Pike shall comply with the notification and recordkeeping requirements of 40 CFR Part 60.7.

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- (25) Pike shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605-C].

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: February 15, 2008

Date of application acceptance: March 3, 2008

Date filed with the Board of Environmental Protection: _____

This Order prepared by Edwin Cousins, Bureau of Air Quality.